

REMARKS/ARGUMENTS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided.

Applicants submit that the instant amendment is proper for entry after final rejection. Applicants note that no question of new matter or any new issues are raised by entry of the instant amendment of the claims and that no new search is required.

Moreover, Applicants submit that the instant amendment places the application in condition for allowance, or at least in better form for appeal.

Accordingly, Applicants request that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims.

Upon entry of the present amendment, claims 17 and 19 will have been amended. Claims 17-34 are currently pending. Applicants respectfully requests reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner has rejected claim 34 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement.

More particularly, the Examiner asserts that the recitation (in claim 34) of the “refrigerant go-around passage being substantially uniform” is not clearly shown in the drawings and appears to be contradictory.

Applicants respectfully traverse the rejection of claim 34 under 35 U.S.C. § 112. In this regard, Applicants note that claim 34 recites that the “cross-sectional area of the refrigerant go-around passage is substantially uniform,” and not that the entire

“refrigerant go-around passage is substantially uniform,” as interpreted by the Examiner.

In this regard, Applicants submit that claim 34 is fully supported by at least Figures 2A-2C of the present Application (see, cross-section of refrigerant go-around passage 34 as shown in Figures 2B and 2C). Accordingly, the above-noted rejection is improper and should be withdrawn.

In the Official Action, the Examiner has rejected claims 17-34 under 35 U.S.C. §103(a) over GENNAMI (U.S. Patent No. 6,672,101) in view of JANG (U.S. Patent No. 6,237,362).

Without acquiescing to the propriety of the Examiner’s rejection, claim 17 has been amended solely in order to expedite prosecution of the present application.

In this regard, Applicants note that none of the GENNAMI and JANG, alone or in any properly reasoned combination, do not disclose each and every element as recited in amended claim 17 (i.e., even assuming, arguendo, that the applied references have been properly combined); nor has the Examiner provided any proper reasoning for supplying the deficiencies of the primary reference.

In particular, claim 17 recites a compressor including, inter alia, a refrigerant go-around passage for introducing the refrigerant discharged from the compression mechanism into the housing via a refrigerant introducing port, the refrigerant go-around passage being spaced from and surrounding a structure which surrounds an axial line of the compressor, the refrigerant being directed around the axial line of the compressor and returned to a discharge-port side of the housing via a refrigerant returning port, while separating the liquid from the refrigerant by centrifugation or by centrifugation and collision.

In setting forth the rejection, the Examiner cites to GENNAMI as purportedly disclosing the general structure of the presently claimed invention. However, the Examiner acknowledges that GENNAMI does not disclose the presently claimed “refrigerant go-around passage.”

Nevertheless, the Examiner takes the position that it would have been obvious to supply the acknowledged deficiencies of GENNAMI with the purported teachings of JANG. More particularly, the Examiner asserts that JANG teaches “a refrigerant go-around passage,” as indicated by the directional flow arrows in Figure 1 of JANG.

However, contrary to the Examiner’s assertion, the oil separating chamber of JANG is structurally very different from the presently claimed refrigerant go-around passage. In particular, JANG discloses a separating chamber 21 which generally occupies an entire central opening in the housing (see, Figure 7).

Thus, JANG does not disclose the refrigerant go-around passage being spaced from and surrounding a structure which surrounds an axial line of the compressor, as recited in claim 17.

Further, Applicants submit that at least one advantage of the presently claimed refrigerant go-around passage is that separation of lubricating oil from the refrigerant is enhanced (see, page 15, lines 7-11, of the present Specification).

In view of the amendments and remarks herein, Applicants submit that independent claim 17 is in condition for allowance. With regard to dependent claims 18-34, Applicants assert that these claims are allowable on their own merit, as well as because of their dependency from claim 17, which Applicants have shown to be allowable.

Thus, it is respectfully submitted that all pending claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

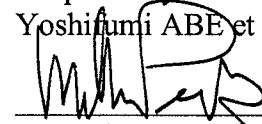
Applicants submit that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have argued the allowability of the claims and pointed out deficiencies of the applied reference. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicants note the status of the present application as being an after final rejection and with respect to such status believes that there is a clear basis for the entry of the present amendment consistent with 37 C.F.R. § 1.116. Applicants note amendments after final are not entered as a matter of right; however, Applicants submit that the present amendment does not raise new issues or the question of new matter. Moreover, the present amendment clearly places the present application in condition for allowance.

Applicants note that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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